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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,496	04/02/2001	Toshiharu Uchida	Q63783	8575
7590 SUGHRUE, MION, ZINN MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W., Washington, DC 20037			EXAMINER BAYERL, RAYMOND J	
			ART UNIT 2173	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/31/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

09/822,496

**Applicant(s)**

UCHIDA, TOSHIHARU

**Examiner**

Raymond J. Bayerl

**Art Unit**

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 4 - 5, 7 - 9, 11 - 12, 15 - 16, 18 - 20, 22 - 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4 - 5, 7 - 9, 11 - 12, 15 - 16, 18 - 20, 22 - 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2 April 2001; 10 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7 December 2006</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 4 – 5, 7 – 9, 11 – 12, 15 – 16, 18 – 20, 22 - 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kariya ("Kariya"; US #6,169,897 B1) in view of Hancock et al. ("Hancock"; US #6,202,023 B1) and Liu et al. ("Liu"; US #6,349,257 B1).

As per independent claim 1's "menu display system" that involves "obtaining menu information linked to an area corresponding to the detected current position" (see also independent claim 12), please note that Kariya's MOBILE COMMUNICATIONS SYSTEM, in having CAPABILITIES TO ACCESS LOCAL INFORMATION RESOURCES, makes connection to a URL list server to obtain a link list page (Abstract), as in "controlling the menu display by using the menu information". More specifically, and as shown in Kariya's fig 1, a terminal 2 makes access to a relevant link list page (e.g., the "hyper text" of claims 9, 20), after which the display unit 2d presents the local URL list to the subscriber (col 4, lines 43 – 63). Please note further the example given in Kariya's fig 4 of the local URL list (link list page), as is specific to the West District of Yokohama. In producing such a list, Kariya teaches that the items presented for user selection are "in a single image output".

Kariya determines the mobile user's position based upon the location of one of radio base stations 1a – 1n, and is therefore somewhat deficient in its handling of "a menu display in accordance with map data". However, Hancock's INTERNET BASED GEOGRAPHIC LOCATION REFERENCING SYSTEM, in which services are accessed

over a computer network, such as the Internet, for users in a mobile environment based on their geographic location (Abstract), makes use of an automatic location identifying (ALI) device, such as a GPS receiver (col 3, lines 1 – 45). Responsive to transmitted location information, Hancock's client is automatically presented with a map of the current geographical area. See also col 9, line 65 – col 10, line 23.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to access and generate the "single image output" of a Kariya-style "menu", downloaded to and buffered within a "menu information storage device", on the basis of "map data" and a "detected current position", as per Hancock, because this enables a greater flexibility and precision in the list retrieval accomplished by Kariya, since the Hancock client reports directly upon its "position" to the host system at base station 1306 (fig 13).

Though one might presume that the menuing interfaces of both Kariya and Hancock need to begin operations with a certain quantity of generic information that might suggest claim 1 and 12's limitations, directed to "predetermined fixed menu information" that accompanies the "updated menu information", an **explicit** teaching of such a feature in the combination of those two references is not evident.

However, Liu's SYSTEM FOR PERSONALIZED MOBILE NAVIGATION INFORMATION is one in which **choices** presented to the user of the **navigation system** (abstract) contain the initial generic choices such as is shown figs 4 – 6, so as to provide a resulting list that is ordered according to the user's preference (col 7, lines 1 – 17).

Thus, it would have been further obvious to the person having ordinary skill in the art to use a system of “predetermined” and “updated” information in a menuing system like Kariya’s when adapted as per Hancock, given that Liu’s analogous disclosure is of presenting both generic and position-specific navigation information to a mobile user. With Liu, the resulting combination will be able to present generalized and particular choices on an ongoing basis, when applied to the “single image output”-creating arrangement of Kariya.

With the combined Kariya/Hancock/Liu references, “event information linked to the area corresponding to the detected current position” (see also claims 23, 24, 28) is further found and presented as “updated menu information”; please note for example Kariya, where EVENTS such as Memorial of Yokohama Port Opening are shown in the local URL list (fig 4) that is made into the Local Information URL List. One would expect updates to occur in an “event”-reporting operator interface, as the timeframes of those events are reached. A Local arrangement such as Kariya’s, moreover, will by its position-dependent nature have a need to show “updated menu information”, merely on account of the device’s user changing location to enter a new area with alternative links to what had previously been Local.

The “radio communication device” of claims 4, 15 is clearly taught by Hancock (col 24, lines 14 – 38), and the “center side server” is to be found in the primary server 1314 depicted in Hancock’s fig 13. The connection between Hancock’s base station 1306 and the primary server is “the Internet” 1318, as in claims 5,16.

In traversing the menu structure of Liu, a “menu selecting device” as in claims 7, 18 is needed, so as to access the various screens of the system and provide the proper and relevant combination of “fixed” and “updated menu information”. This “selecting device” (claims 8, 19) “can select any one of a plurality of kinds of the updated menu information”, since various options for roadside services can be found in Liu.

Claim 11, which uses a “radio communication” connection through a “center side server”, is rejected using a line of reasoning similar to the one that applies to claim 4.

Independent claim 22 also produces a “fixed” and “additional menu information” “single image output” display via a position reported to the “center side” server, but also “through the Internet”, and is thus rejected using a line of reasoning similar to that presented for claim 5 above.

Independent claim 25’s “menu display apparatus” is one in which “position detection” (as in Hancock) is used to obtain “an additional menu option” (as in Liu when applied to Kariya) that is displayed “with the predetermined menu option” that appears “regardless of an area” (as in Liu, when used to produce Kariya’s “single image output”).

As per claim 26’s reception of “additional menu information from a source remote from the movable body”, this reads upon Kariya, who similarly accesses “remote” information from a “movable body”. In combination with Hancock, the “additional menu information” as Liu might present varies “when the movable body enters the particular area” (claim 27).

Independent claim 29’s “menu information providing apparatus” embodies a “transmitter” and “memory that stores additional menu information relating to an event

occurring in a particular area in which the transmitter is located", but this again reads upon the primary server arrangement found in Hancock, when used to forward "additional menu information" as in the "additional" display of Liu, to a receiving subscriber (at the "mobile body") in Kariya, who produces "a single image output" of variously-assembled "menu" items such as events.

As per claims 30, 31, it has already been noted that a display incorporating position-independent, generic choices as in Liu will "display the predetermined fixed menu information regardless of an area in which the current position of the movable body is located."

3. Applicant's arguments filed 13 November 2006 have been fully considered but they are not persuasive.

At page 12 of the remarks, applicant notes that the intended construction of the claims was such that "both 'updated menu information' and 'the predetermined fixed menu information,' is displayed in a single image output", but that "the Examiner appears to interpret this phrase to mean that 'updated menu information' and 'the predetermined fixed menu information in a single image output' are displayed". However, in the previous statement of rejection, the Examiner intended to note the manner in which a "single image output" in Kariya assembles "menu" components of various kinds (as may include "fixed" items, as per Liu) for a location, not that the "fixed" and "updated" are being interpreted as separate image displays.

At pages 12 – 13, applicant reiterates the amended claim 1, where "new menu information, including the updated menu information and the predetermined fixed menu

information, is displayed in a single image output; wherein the updated menu information includes event information linked to the area corresponding to the detected current position", and then argues that "none of the cited references (Kariya, Hancock and Liu), alone or in combination, disclose, teach, or suggest this feature", referring first to the "single image output" of "predetermined fixed" and "updated menu information", and then to present in the "updated new menu information" "event information".

However, Kariya shows a single menu being created for a local area from diverse menu item types, and Liu shows that some information in a position-dependent display can nevertheless be fixed. Kariya further illustrates that an Event may be reported in such a menu. This in further combination with Hancock's position-reporting for the mobile device is sufficient to render the claims obvious under 35 USC 103.

At page 14, applicant argues that "Liu does not teach displaying both predetermined fixed menu information and updated menu information in a single image output, since Liu does not disclose displaying updated menu information". However, it was Kariya that was principally relied upon to show "updated menu information", which would be of advantage to present using the Liu interface that contains fixed items, as a way of ensuring the most relevant of information is present. Kariya's reporting of Events means that there comes a time when an update will need to forward the information as being relevant. Sending updated copies is therefore to be expected in a system like Kariya's, since time progresses and/or the user's position changes, each of which will affect the items presented for selection.



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4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:30 AM to 4:30 PM ET.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at 571-272-4063. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

  
**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**

29 January 2007